

D.T.E. 02-09

Assessments applied to selected utility companies owning or having entitlements to electric power from certain nuclear generating facilities inside and outside of Massachusetts for the purpose of reimbursing the Commonwealth for expenditures incurred by the Massachusetts Energy Management Agency related to such facilities pursuant to Section 2 of Chapter 177 of the Acts of 2001.

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Massachusetts Emergency Management Agency  
Nuclear Safety Preparedness Program  
for Fiscal Year 2002  
(Appropriation Item Nos. 8800-0100, 8800-0200)

On January 25, 2002, the Massachusetts Emergency Management Agency, pursuant to Section 2 of Chapter 177 of the Acts of 2001, requested that the Department of Telecommunications and Energy ("Department") establish an apportionment and make an assessment against nuclear regulatory commission licensees operating nuclear power generating facilities located inside the Commonwealth and electric companies in the Commonwealth that own, in whole or in part, or purchase power from, nuclear power plants outside the Commonwealth but within ten miles of Massachusetts cities or towns. On January 30, 2001, the Department made similar assessments for Fiscal Year 2001 totaling \$721,437 to fund expenditures required by Section 2 of Chapter 159 of the Acts of 2000. See D.T.E. 01-08. Because the Pilgrim Nuclear Power Station is the only nuclear power station generating

electricity in the Commonwealth, Entergy Nuclear Generation Company (“Entergy”), by letter dated March 13, 2002, has agreed to be responsible for the entire assessment of \$421,213 for nuclear power plants in Massachusetts, pursuant to Item 8800-0100 of Section 2 of Chapter 177 of the Acts of 2001.

In D.T.E. 01-08, D.T.E. 00-23, D.T.E. 99-14, D.T.E. 98-37, D.P.U. 97-19, D.P.U. 95-124, and D.P.U. 94-179, the Department determined that an equitable method of allocating costs for nuclear power plants located outside the Commonwealth but within ten miles of Massachusetts cities or towns was on the basis of the entitlement of Massachusetts utilities to power from the Seabrook and Vermont Yankee nuclear power plants. For the purpose of this assessment, the same method will be followed. Further, consistent with previous orders, the Department is using entitlements as of December 31, 2000, as a basis for the assessment.

The Department determines that the following companies shall be assessed on each of their respective shares of the companies’ combined megawatt (“MW”) entitlement of both Seabrook and Vermont Yankee nuclear power plants. Therefore, the Department makes the following assessments:

<u>Name of Company</u>	<u>Nuclear MW Entitlement</u>	<u>Percent of Share</u>	<u>Assessments</u>
Commonwealth Energy System c/o NStar Service Company 800 Boylston Street Boston, MA 02199	52.1	18.40	\$52,557.95
New England Power 25 Research Drive Westborough, MA 01581	206.75	73.04	\$208,632.18
Western Massachusetts Electric Company, a Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141	12.75	4.50	\$12,853.85
Montaup Electric Company 25 Research Drive Westborough, MA 01581	11.48	4.06	\$11,597.02
<u>Totals</u>	<u>283.08</u>	<u>100%</u>	<u>\$285,641.00</u>

Accordingly, it is

VOTED: That an assessment in the amount of \$421,213 against Entergy Nuclear Generation Company is hereby made to provide for the reimbursement to the General Fund of the Commonwealth for appropriations made by the General Court for Fiscal Year 2002 to fund state measures pertaining to nuclear safety emergency preparedness for nuclear generating plants in the Commonwealth; and it is

FURTHER VOTED: That an assessment totaling \$285,641 is hereby made to provide for the reimbursement to the General Fund of the Commonwealth for the appropriations made by the General Court for Fiscal Year 2002 to fund state measures pertaining to nuclear safety

emergency preparedness of nuclear generating plants operating outside Massachusetts but within ten miles of Massachusetts' cities and towns; and it is

ORDERED: That the companies listed herein be assessed in the amounts indicated.

By Order of the Department,

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James Connelly, Commissioner

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W. Robert Keating, Commissioner

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Paul B. Vasington, Commissioner

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Eugene J. Sullivan, Jr., Commissioner

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Deirdre K. Manning, Commissioner

Appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part.

Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. (Sec. 5, Chapter 25, G.L. Ter. Ed., as most recently amended by Chapter 485 of the Acts of 1971).